



OFFICE OF THE DEPUTY COMMISSIONER - LEGAL MATTERS

LEGAL BUREAU BULLETIN

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I. SUBJECT: LAWS OF 2017

II. INTRODUCTION SET FORTH ARE VARIOUS AMENDMENTS AND NEW LAWS
ENACTED DURING 2017 WHICH ARE OF INTEREST TO MEMBERS OF
THE SERVICE

NOTE: All new laws are in effect as of the date of publication of this Bulletin unless otherwise indicated. Because of the abbreviated descriptions of new laws contained in this Bulletin, it is strongly recommended that members of the service read the applicable law before taking enforcement action, and direct any questions they may have to the Legal Bureau.

STATE LAWS

ARTS AND CULTURAL AFFAIRS LAW

RESALE OF TICKETS TO PLACES OF ENTERTAINMENT CHAPTER 68

Chapter 68 extends the current provisions of multiple statutes relating to ticket resellers until June 30, 2018. Specifically, the new law extends Article 25 of the Arts and Cultural Affairs Law, "Tickets to Places of Entertainment." Ticket scalpers may not resell, offer to sell, or solicit the resale of any ticket to an entertainment venue with a permanent seating capacity of 5,000 or less within 500 feet of the venue or ticket office.

All provisions of this law will expire on June 30, 2018, with the exception of Section 25.11, "Resales of tickets within buffer zone," which requires that ticket scalpers may not resell, offer to sell, or solicit the resale of any ticket to an entertainment venue with a permanent seating capacity of more than 5,000 within 1,500 feet of the venue or ticket office. This law will also not apply to tickets printed prior to May 14, 2016 as long as notice of the higher price and prohibition on sales within 1,500 feet of the venue is prominently displayed at the venue and the point of sale.

CRIMINAL PROCEDURE LAW

RAISING THE AGE OF CRIMINAL RESPONSIBILITY FOR 16 AND 17 YEAR OLDS CHAPTER 59

Chapter 59 amends various provisions of the Criminal Procedure Law and the Family Court Act to raise the age of criminal responsibility to 17 years of age years effective **October 1, 2018** and to 18 year of age effective **October 1, 2019**. Except as otherwise noted, all components described below are pursuant to this timeframe.

Court Processing

As a result of this law, the majority of cases for 16 and 17 year olds will ultimately be heard in Family Court, either by originating in that court or being transferred from a newly-created Youth Part of Criminal Court.

Youth Part of Criminal Court

- Creates a new “Youth Part” in Criminal Court. Judges from Family Court will preside over cases.
- Juvenile Offender (13-15 year olds) and a newly-created category of Adolescent Offenders (16-17 year olds) can have their cases heard in the Youth Part. An “Adolescent Offenders” is any 16 or 17 year old who has committed a felony.

Felonies

- All felony cases for adolescent offenders will start in the Youth Part. Adult sentencing will apply, but the Judge must take the youth’s age into account when sentencing. Adolescent Offenders are eligible for Youthful Offender treatment, as is the current law with respect to 16 and 17 year olds charged as adults.
- All *non-violent felonies* will be transferred from the Youth Part to Family Court unless the District Attorney files a motion within 30 days showing “extraordinary circumstances” as to why the case should remain the Youth Part.
- *Violent felonies* (those listed as A-1 felonies and those in Penal Law Section 70.02) can also be transferred to Family Court if the charges do not include the accused displaying a deadly weapon in furtherance of the offense, causing significant physical injury, or engaging in unlawful sexual conduct. If the charge does include one of these elements, removal to Family Court is only possible with consent of the District Attorney.

Misdemeanors

- The Family Court Act’s definition of “juvenile delinquents” is amended to permit all misdemeanor cases (other than vehicle and traffic law misdemeanors) involving 16 and 17 year olds to be heard in Family Court.
- A 16 and 17 year old charged with a misdemeanor can only be sent to criminal court if it is accompanied by a felony charge in the same criminal transaction, or the misdemeanor is the result of a reduced charge from a felony in accordance with a plea of guilty, or is a VTL misdemeanor.

- For the exception of VTL misdemeanors, 16 and 17 year olds can no longer receive a criminal court summons for a *non-Penal Law misdemeanor*.

Violations

- 16 and 17 year olds charged with a violation will remain in criminal court. Criminal Court summonses for violations may still be issued to 16 and 17 year olds.
- 16 and 17 year olds also remain criminally responsible for traffic infractions.

Family Court

- Juveniles whose cases are returnable to the Family Court will be processed pursuant to existing Juvenile Delinquency laws, which includes the sealing of records related to the proceeding.

Interrogation/Parental Notification

- When a 16 or 17 year old is arrested without a warrant, the law directs that police officers are to *immediately notify the parent or person legally responsible for their care that such person has been arrested and the location of the facility where he or she is being detained.*
- If a police officer determines that it is necessary to question a 16 or 17 year old, *the person must be taken to an Office of Court Administration (OCA)-approved juvenile room or at the offenders residence provided consent is given by their parents or person legally responsible for their care.* Members of the service are to advise the juvenile offender and a parent/person responsible, if present, of their Miranda rights.
- Regarding the suitability and reasonable period of time for questioning, the presence or absence of a parent/person responsible is to be included among relevant considerations.

Facilities

- Pre-arraignment detention of 16 and 17 year olds is to mirror current processes for juvenile offenders and juvenile delinquents.
- Pre-trial detention for 16 and 17 year olds will be held in Administration for Children's Services juvenile detention centers.
- *The law directs that no 16 or 17 year old will be sentenced to or detained in a facility with adults.* To the extent practicable, no youth under 18 will be sent to Rikers Island after April 1, 2018 and, as of October 1, 2018, a full prohibition against youth under the age of 18 being held at Rikers will be in effect.

Sealing

- The law permits the sealing of criminal convictions after ten years from the imposition of the sentence or discharge from incarceration, whichever is latest. Violent felonies, sex offenses, and Class A felonies are not eligible for sealing.
- Sealing is only available for individuals who have no more than 2 convictions, one of which may be a felony.
- Records that are sealed will still be made available to gun licensing agencies and police agencies for hiring prospective employees.

**VIDEO RECORDING OF CUSTODIAL INTERROGATIONS
ADMISSION OF PHOTO ARRAYS
CHAPTER 59**

Chapter 59 amends both the Criminal Procedure Law and the Family Court Act to require the video recording of certain custodial interrogations of adults and juveniles that take place in police facilities – including in juvenile rooms. Interrogations regarding the following crimes are subject to video recording: all Class-A1 felonies (*except* those found in Penal Law Article 220 (Controlled Substances)); predatory sexual assault (PL 130.95) and predatory sexual assault against a child (PL 130.96); and any felony in Penal Law Article 125 and 130 that is classified as a Class B violent felony in Penal Law Section 70.02. This includes: Attempted Murder 2; Manslaughter 1 (PL 125.20); Aggravated Manslaughter 1 (PL 125.22); Rape 1 (PL 130.35); Criminal Sex Act 1 (PL 130.50); Aggravated Sexual Abuse 1 (PL 130.70) and Course of Sexual Conduct Against a Child 1 (PL 130.75).

Failure to record will not result in automatic suppression. However, if a confession, admission, or other statement is offered into evidence that would otherwise have been subject to recording, the court may consider the failure to record as a factor, but not the sole factor, as to whether it will be admissible. It should be noted that, upon a showing of good cause by the District Attorney, the custodial interrogation need not be recorded if one of the several exceptions in the law applies – which include: *equipment malfunctions, statements made during routine arrest processing, spontaneous statements not in response to questions, statements made during an interrogation when it is unknown a qualifying offense occurred, suspect demands not to be recorded, unavailability of recording equipment or a properly equipped location, unintentional inadvertent error and if there is reasonable belief that recording would jeopardize personal safety or reveal the identity of a confidential informant.*

The law will take effect on April 1, 2018 and applies to confessions, admissions, or statement made on or after that date.

**ADMISSION OF PHOTO ARRAYS
CHAPTER 59**

Chapter 59 amends the Criminal Procedure Law to permit the introduction of identifications made by photo array in criminal and juvenile proceedings provided that they are conducted by a “blinded procedure.” A “blinded procedure” is defined as one where *a witness identifies a person in an array or pictorial, photographic, electronic, filmed or video recorded reproductions under circumstances where, at the time the identification is made, the MOS administering the procedure: (1) does not know which person in the array is the suspect OR (2) does not know where the suspect is in the array viewed by the witness (sequential arrays).*

In offering the array into evidence, *failure to conduct this procedure will result in preclusion of testimony regarding the identification procedure as evidence in chief, but does not result in suppression. Therefore, the blinded procedure only attaches when the array is sought for introduction into a criminal/juvenile proceeding.*

Finally, Chapter 59 amends the Executive Law to direct the New York State Department Criminal Justice Services (DCJS) to promulgate a standardized and written protocol for police agencies regarding selection of fillers for photo arrays and live lineups; instructions given to witnesses before conducting a live lineup or photo array; documentation and preservation of results of the lineups and arrays; procedures for eliciting and documenting witness' confidence in his/her identification and procedures to prevent opportunities to identify the witness. For criminal proceedings, however, a claim that an MOS failed to comply with these DCJS protocols will not constitute a legal basis to suppress evidence or expand or limit the rights of the accused.

GENERAL MUNICIPAL LAW

CPR TRAINING AND REPORTING CHAPTER 271

Chapter 271 amends the Executive Law to add a new Section 214-e to require the Department to provide cardiopulmonary resuscitation (CPR) training to all uniformed personnel at least every two years, to the extent practicable, but no later than every four years. The Department is required to annually report the total number of uniformed officers assigned to patrol, housing, and transit trained and retrained in CPR training beginning May 1, 2018.

HIGHWAY LAW

STREET CO-NAMING HONORING DETECTIVE STEVEN MCDONALD CHAPTER 172

Chapter 172 amends the Highway Law to designate a portion of the state highway system for Detective Steven McDonald. Specifically, the Southern State Parkway beginning at the interchange between the Belt Parkway and Cross Island Parkway continuing east until exit 22, the intersection of the Meadowbrook State Parkway is designated as the "Detective Steven McDonald Memorial Highway."

PUBLIC AUTHORITIES LAW

EMERGENCY EVACUATION OF COMPANION ANIMALS CHAPTER 378

Chapter 378 adds a new Section 1264-a of the Public Authorities Law to authorize the Metropolitan Commuter Transportation Authority (MTA) to allow domestic companion animals or pets to board MTA buses, subways and ferries with their owners in the event of a declared State of Emergency for the purposes of evacuation. A domestic companion animal *may be refused permission to board if there is reasonable cause to believe that due to attendant circumstances, permitting the animal to board would pose a health or safety hazard.*

PUBLIC OFFICERS LAW

AWARDING OF ATTORNEY'S FEES FOR OVERTURNED DENIALS OF FREEDOM OF INFORMATION LAW (FOIL) REQUESTS CHAPTER 453

Chapter 453 amends the Freedom of Information Law (FOIL) regarding successful challenges of FOIL denials. Under the amended law, the court *may assess*, against the agency, reasonable attorney's fees and litigation costs to a challenger that substantially prevailed against the agency when they have failed to respond to the request within the statutory time. In cases where the court finds that the agency had no reasonable basis for denying access to requested records, the court *must assess*, against the agency, an award of attorney's fees and litigation costs to the substantially prevailing party of a FOIL denial litigation.

VEHICLE AND TRAFFIC LAW

USE OF SAFETY BELTS IN TAXIS AND LIVERY VEHICLES CHAPTER 340

Chapter 340 amends Section 1229-c of the Vehicle and Traffic Law to create a new subdivision 3-c to state that *no person shall operate a taxi or livery unless such person is restrained by a safety belt and that no person sixteen (16) years of age or over shall be a passenger in the front seat of such taxi or livery unless such person is restrained by a safety belt as well.*

LOCAL LAWS

ASIAN LUNAR NEW YEAR LOCAL LAW 3

Local Law 3 amends Administrative Code Section 20-458 to grant an exemption to individuals selling plants and flowers *7 days prior to and during the Asian Lunar New Year* from the requirement of obtaining a general vending license from the Department of Consumer Affairs. Enforcement for unlicensed general vending *cannot be taken against such individuals, but they are required to comply with all other time, place, and manner restrictions that apply to licensed general vendors.*

DISPOSAL OF ELECTRONIC EQUIPMENT LOCAL LAW 11

Local Law 11 adds new Administrative Code Section 10-504 to require city agencies to ensure, prior to the disposal of electronic equipment, the erasure of all information stored on the equipment through either degaussing, physical destruction of the drive, a data wiping that includes at least two full overwrites or another method specified by the Department of Information Technology and Telecommunications. The law also requires *that any third party who disposes of the electronic equipment on behalf of the agency provide written certification that the disposal complies with the law.*

ALL-TERRAIN VEHICLES AND DIRT BIKES LOCAL LAW 28

Local Law 28 adds new Administrative Code Section 19-196 to make it unlawful to operate all-terrain vehicles or dirt bikes in New York City except where there is consent, written or posted, of the owner or lessee of the property. *A violation constitutes a traffic infraction punishable by a fine up to \$500 dollars for the first conviction and up to \$1,000 dollars for a subsequent conviction or a civil penalty of \$500 dollars for the first violation or \$1,000 for a subsequent violation.* The new law does not preclude the Department from using all-terrain vehicles.

LANGUAGE ACCESS PLAN LOCAL LAW 30

Local Law 30 amends several sections of the City Charter and Administrative Code to require the Department to develop and implement a language access plan to describe how language access services will be provided and to ensure access to information and direct public services. *The plan is required to be updated every three years to account for changes in the Department's services and service population.* The plan must also be published on the Department's website.

**NUISANCE ABATEMENT: CONTROLLED SUBSTANCE OR MARIJUANA
LOCAL LAW 34**

Local Law 34 excludes Penal Law sections 220.02, Criminal Possession of a Controlled Substance in the Seventh Degree; 221.05, Unlawful Possession of Marijuana; 221.10, Criminal Possession of Marijuana in the Fifth Degree; 221.15, Criminal Possession of Marijuana in the Fourth Degree; 221.35, Criminal Sale of Marijuana in the Fifth Degree and 221.40, Criminal Sale of Marijuana in the Fourth Degree from the definition of nuisance.

**NUISANCE ABATEMENT: VERIFICATION OF OCCUPANCY
LOCAL LAW 35**

Local Law 35 requires the Department to *verify the ongoing occupancy of the tenant of record alleged to have caused or permitted the nuisance to occur within the building, erection or place in which the nuisance is alleged to be occurring, within 15 days of service of the nuisance abatement action.*

**NUISANCE ABATEMENT: PERSONAL WITNESS BY POLICE OFFICER
LOCAL LAW 37**

Local Law 37 requires that, in cases involving controlled substance, marijuana, K2 and gambling, *at least one violation be observed by a uniformed member of service.*

**NUISANCE ABATEMENT: LIMITING EXCLUSION OF PERSONS
LOCAL LAW 38**

Local Law 38 limits the exclusion, from a premises, of natural persons committing the nuisance *to one year but no more than three years in unique circumstances.*

**NUISANCE ABATEMENT: PADLOCK LAW
LOCAL LAW 39**

Local Law 39 repeals the padlock law.

**NUISANCE ABATEMENT: TIMELINESS
LOCAL LAW 41**

Local Law 41 requires the Department to commence nuisance abatement actions *within four months of the most recent violation that forms the basis for the action and in actions requiring multiple incidents, the first incident cannot be more than twelve months before the filing of the action.* The new law also repeals obscene performance, obscene material, environmental and noise violations from the definition of nuisance.

**NUISANCE ABATEMENT: SEALED RECORDS
LOCAL LAW 42**

Local Law 42 prohibits sealed records from being used in nuisance abatement actions.

**NUISANCE ABATEMENT: ALCOHOLIC BEVERAGES
LOCAL LAW 44**

Local Law 44 increased the number of violations of Section 123 of the Alcoholic Beverage Control Law needed to commence a nuisance abatement action *from one to four*. For unlawful activity occurring within an unlicensed location (unlicensed sale), however, *only one violation is necessary to commence an action*. Additionally, no settlement or order can include a closure of a premises licensed solely for the sale of beer and wine *without demonstrating through clear and convincing evidence a willful and flagrant violation of the Alcoholic Beverage Control Law*.

**ONLINE COLLISION REPORTS
LOCAL LAW 57**

Local Law 57 adds new Administrative Code Section 14-167 to require the Department to provide collision reports through the Department's website to interested parties who provide their driver's license number, date of birth, license plate number and license plate state of issuance.

**SALARY HISTORY
LOCAL LAW 67**

Local Law 67 amends Administrative Code Section 8-107(25) to make it an unlawful discriminatory practice for an employer to inquire about the salary history of a prospective employee or to rely on the salary history of a prospective employee in determining salary, benefits or other compensation while negotiating a hiring contract and during the hiring process. However, an employer may engage in discussions with an applicant about *their expectations in regards to salary, benefits and other compensation*. Where a prospective employee *volunteers their salary history without prompting, the employer may consider the salary history in determining salary, benefits and other compensation and may verify the salary history*. The law does not apply to any steps taken by an employer required by federal, state or local law authorizing the disclosure or verification of salary history for employment purposes, internal transfers or promotions, public employee positions where salary, benefits or other compensation are determined by collective bargaining, or any attempt by an employer to verify non-salary related information or conduct a background check which discloses the applicant's salary. Where such disclosure, occurs, it cannot be relied upon to determine salary benefits or other compensation.

**STREET CO-NAMING FOR DECEASED MOS
LOCAL LAW 110**

Local law 110 co-names 53 streets and public places and honors several deceased members of the service including Sgt. Paul Tuozzolo Way in the Bronx, Patrolman David Guttenberg Way in Brooklyn, Police Officer Christie Masone Way in Brooklyn, D and Captain Edward D. Reuss

Way in Staten Island. The law also co-names the 85th Street Traverse in Central Park as Detective Steven McDonald Way.

ACCESS TO ARRESTEE CONTACT INFORMATION LOCAL LAW 126

Local Law 126 adds new Administrative Code Section 14-168 to require the Police Department, to the extent practicable and in a manner consistent with all applicable laws and officer safety, *to develop a procedure to offer arrestees within the Department's custody prior to arraignment the opportunity to obtain personal contact information that is stored in the arrestee's personal property (i.e. a cell phone). The local law does not permit the arrestee access for any purpose other than obtaining personal contact information, nor does it permit access to property that has been vouchered as "arrest evidence" or "investigatory evidence."*

CIVIL ACTIONS FILED AGAINST THE POLICE DEPARTMENT LOCAL LAW 166

Local Law 166 amends several sections of the City Charter and Administrative Code to require the *Law Department* to post a biannual report on its website that includes the following information regarding civil actions filed in state or federal court against the Department or individual police officers that resulted from allegations of improper police conduct, including use of force, assault and battery, malicious prosecution or false arrest or imprisonment: a list of civil actions filed against the Department for the five years immediately preceding each report; for each action, the court it was filed in, the name of the law firm representing the plaintiff, the name of the law firm or agency representing the defendant, the date the action was filed and the allegations; and if the action has been resolved, the date it was resolved, the manner in which it was resolved and whether the resolution includes a payment to the plaintiff by the city and the amount paid.

The law also requires the Department to complete a study by September 1, 2018 regarding judicial determinations that a police officer's testimony is not credible. The study is to consider information on the availability of an ways the determination may be obtained, the number of such determinations obtained by the Department, the value of the determination in reducing improper police conduct, the value of including determination in the systems used by the Department to identify police officers who may be in need of enhanced training or monitoring, the Department's current policies for the collection and use of the determination and a plan to establish a system for obtaining and reviewing such determinations.

NIGHTLIFE ADVISORY BOARD LOCAL LAW 178

Local Law 178 directs the Mayor to establish an office of nightlife that will serve as a liaison between nightlife establishments and city agencies and make recommendations on ways to improve laws and policies that impact nightlife establishments.

CABARET LAW REPEAL LOCAL LAW 214

Local Law 214 repeals Subchapter 20 of Title 20 of the Administrative Code to repeal the definition of “cabaret” as well as the requirement of licensure for city cabarets. *The Department can no longer issue violations pursuant to this section of law for failure to maintain a cabaret license.*

The law also amends the Administrative Code to *require eating and drinking establishments that operate pursuant to use group 12 (Section 32-21 of the City’s Zoning Laws) and are required to have a license to sell liquor pursuant to the Alcoholic Beverage Control law to equip all entrances and exits used by patrons of the establishment with digital video surveillance cameras.* The new law also requires *these establishments to employ or retain services of one or more licensed security guards during all hours of operation.* Any violation of these new provisions of law are subject to a civil penalty of up to \$1,000. The designation as to whether an establishment operates pursuant to use group 12 of the City’s zoning laws can be determined by reviewing the establishment’s certificate of occupancy or place of assembly certificate.

The provisions requiring surveillance cameras and licensed security guards takes effect on March 27, 2018

USE OF CITY RESOURCES FOR IMMIGRATION ENFORCEMENT LOCAL LAW 228

Local Law 228 adds new Administrative Code Section 10-178 to prohibit officers or employees of the City or City resources, such as time or use of city property, to be used in furtherance of immigration enforcement. Whenever a city officer or employee is requested by a non-local enforcement agency to assist in immigration enforcement, the officer or employee is required to make a record of the request which includes any response or actions taken. A summary of this information will then be reported to the Mayor and Speaker of the City Council.

The law specifically states that it does not prohibit city officers or employees from *performing their duties in furtherance of public safety and in connection with a cooperative arrangement, such as a task force, with city, state or federal law enforcement agencies that are not intending to further immigration enforcement.* City resources may be utilized for these cooperative arrangements and in furtherance of public safety.

The law takes effect on January 30, 2018.

LOCAL DISORDERLY BEHAVIOR OFFENSE LOCAL LAW 229

Local Law 229 amends the Administrative Code to include a civil and criminal penalty for disorderly behavior which is substantially similar to the offense for disorderly conduct under Penal Law Section 240.20. The criminal penalty is punishable by up to 5 days or a fine up to \$200. The civil penalty is liable for up to \$75 which may be recoverable at the Office of Administrative Trials

and Hearings (OATH). The offense is eligible for either a criminal court summons under the Penal Law or a civil summons.

DISCLOSURE OF GUN VIOLENCE INFORMATION LOCAL LAW 236

Local Law 236 adds new Administrative Code Section 10-313 to require the Department provide applicants for firearm licenses and permits with a printed warning pertaining to the increased risk of suicide, unintentional death and death during a domestic dispute, in households with firearms.

The law takes effect on February 28, 2018.

DISCLOSURE OF INTIMATE IMAGE LOCAL LAW 242

Local Law 242 adds new Administrative Code Section 10-177 to make it unlawful for a person to *disclose an intimate image without the consent of the individual depicted in the intimate image and with the intent to cause economic, physical or substantial emotion harm to the depicted individual*. The individual in the intimate image must be identifiable to another person from the image itself or the circumstances under which the image is disclosed. Additionally, the new law makes it unlawful *to threaten to disclose an intimate image*. A violation of this new law is an unclassified misdemeanor punishable by up to one year in jail or a fine of up to \$1,000, or both.

Exceptions to this new law include: if the disclosure or threat of disclosure is made during the reporting of unlawful activity, during a legal proceeding or by law enforcement personnel conducting authorized duties; such disclosure is made by a provider of interactive computer services; or the disclosure is matter of legitimate public interest or protected by the first amendment of the United States constitution.

The law takes effect on February 15, 2018

HIT-AND-RUN NOTIFICATIONS LOCAL LAW 243

Local Law 243 adds new Administrative Code Section 10-901 to require the Mayor to designate an agency to establish a hit-and-run alert system that will provide a notification to the public when *a hit-and-run involving a fatality or serious physical injury occurs*. Such notification is to be issued *within 24 hours of the determination that a qualifying hit-and-run occurred and is only to be issued if there is sufficient information about the perpetrator of the incident or the subject motor vehicle used during the incident is available to the Department*. Additionally, an alert is *not required to be sent if the Department believes it is inappropriate under the circumstances or would interfere with a law enforcement investigation*. The law also states that an alert may be issued by any means, including but not limited to, email notifications, texts, television broadcasts or radio broadcasts.

The law takes effect on March 16, 2018.

ESTABLISHING A CHIEF PRIVACY OFFICER LOCAL LAW 245

Local Law 245 amends the City Charter to require the Mayor to appoint a Chief Privacy Officer who will promulgate citywide policies and practices regarding the protection of identifying information. The law also requires agencies to designate a privacy officer who must create agency policies to safeguard identifying information and creates a citywide Privacy Protection Committee. The Privacy Protection Committee consists of the Police Department, Corporation Counsel, the Mayor's Office of Operations, and other city agencies to recommend policies and procedures regarding the retention and disclosure of identifying information while taking into consideration each agency's unique mission, subject matter expertise and legal obligations.

The law takes effect on June 15, 2018

ACCESS TO CITY PROPERTY LOCAL LAW 246

Local Law 246 adds new Administrative Code Section 4-210 to restrict access of non-local government personnel authorized to enforce civil or criminal laws to non-public areas of city property unless such personnel present a judicial warrant. The law does not apply to city personnel.

The law, however, specifically permits access to non-local government personnel if they are authorized to access city property pursuant to an agreement or contract; access is required by law; access is pursuant to cooperative arrangement (such as a task force) involving city, state and federal agencies; exigent circumstances exist; or access furthers the purpose or mission of a city agency. The carve outs in the law enable the Department to work with its non-city law enforcement partners and permits the Department to invite its partners into its facilities.

The law takes effect on April 16, 2018.

IDENTIFYING INFORMATION LOCAL LAW 247

Local Law 247 amends the Administrative Code to limit the collection, retention and disclosure of identifying information by city agencies to third parties. *Collection, retention and disclosure is permitted by agencies, and does not require further approval from the Chief Privacy Officer or agency privacy officer, if such collection, retention and disclosure is deemed routine and if it furthers the purpose or mission of a city agency, is required by law or treaty, or such collection or disclosure is by or to the Police Department in connection with an investigation of a crime or credible information about an attempted or impending crime.*

The law takes effect on June 15, 2018.

